

Notice of Allowability

Application No.

09/307,223

Applicant(s)

VARNER, JUDITH A.

Examiner

Susan Ungar

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to Amendment filed 12/29/03 and interview of 3/17/04.
2. ☐ The allowed claim(s) is/are 121-130 and 133-151, now renumbered 1 to 29, respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

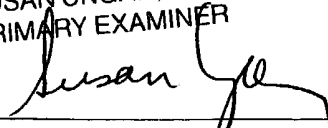
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

SUSAN UNGAR, PH.D.
PRIMARY EXAMINER



Art Unit: 1642

1. The Amendment filed December 29, 2003 in response to the Office Action of October 14, 2003 is acknowledged and has been entered. Previously pending claims 152-157 have been canceled and previously pending claims 121-123 have been amended. Claims 121-151 are currently being examined.
2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
3. The application has been amended as follows:

In the claims:

Claim 121 was amended as follows: on line 2 of the claim after “antagonist” the term “that” was deleted and the phrase --selected from the group consisting of an anti-alpha 5 beta 1 integrin antibody or an alpha 5 beta 1 integrin binding fragment of said antibody, wherein said antagonist-- was substituted.

Claim 122 was amended as follows: on line 2 of the claim after “antagonist” the term “that” was deleted and the phrase --selected from the group consisting of an anti-alpha 5 beta 1 integrin antibody or an alpha 5 beta 1 integrin binding fragment of said antibody, wherein said antagonist-- was substituted.

Claim 123 was amended as follows: on line 1 of the claims after “A method of” the phrase “reducing the severity of a pathological condition associated with” was deleted and the phrase --reducing or inhibiting-- was substituted.

Claim 123 was amended as follows: on line 2 of the claim after “in an individual” the phrase --having a pathological condition associated with angiogenesis-- was inserted.

Claim 123 was amended as follows: on line 3 of the claim after “antagonist” the term “that” was deleted and the phrase --selected from the group consisting of an anti-alpha 5 beta 1 integrin antibody or an alpha 5 beta 1 integrin binding fragment of said antibody, wherein said antagonist-- was substituted.

Claim 123 was amended as follows: on line 7 of the claim after “angiogenesis in the” the phrase “tissue and reducing the severity of the pathological condition” was deleted and the term --individual-- was substituted.

Claims 131 and 132 were canceled.

4. Authorization for this Examiner's Amendment was given in a telephone interview with Kawai Lau on March 17, 2004.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is

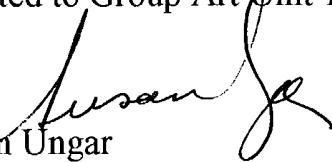
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(571) 272-0837. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvette Eyler, can be reached at 571-272-0871. The fax phone number for this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Effective, February 7, 1998, the Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1642.



Susan Ungar
Primary Patent Examiner
March 17, 2004